



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

**BARBARA D. UNDERWOOD
ATTORNEY GENERAL**

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

MEMO ENDORSED

August 10, 2018

VIA ECF

Judge Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

The application is X granted
 denied



Edgardo Ramos, U.S.D.J

Dated: 8/14/2018

New York, New York

Re: *State of New York v. U.S. Dep’t of Justice*, No. 18-cv-6471
City of New York v. Sessions, No. 18-cv-6474

Dear Judge Ramos:

I write on behalf of all parties in the above-referenced matters, except as to the final paragraph below, which is submitted only on behalf of the Plaintiffs. On August 2, 2018, the parties in the above-captioned actions attended a pre-motion conference to address Plaintiffs' request for leave to file a motion for partial summary judgment. During the conference, the Court endorsed Plaintiffs' proposed briefing schedule but refrained from issuing an order until Defendants had an opportunity to review Plaintiffs' amended complaints, which were filed on August 6, 2018.

At the Court's direction, the parties have conferred and agreed to the following briefing schedule regarding the FY 2017 conditions at issue in these cases:

- Plaintiffs (the States and New York City) will file a joint motion and brief for summary judgment (including, if necessary, a supplemental brief addressing issues specific to the City of New York) by August 17, 2018 (the joint brief and any supplemental brief shall not exceed 60 pages in total);
- Defendants will file a combination motion to dismiss and opposition, or, alternatively, a motion for summary judgment and opposition to Plaintiffs' motion by September 14, 2018;
- Plaintiffs will file their opposition to the motion to dismiss/motion for summary judgment and reply in support of their motion by September 26, 2018;

- Defendants will file their reply by October 8, 2018.

This schedule differs slightly from the one discussed at the August 2 conference, in that it gives Defendants an additional week to file their opening brief and opposition. The remaining dates have been adjusted so that briefing will be completed by October 8 rather than October 5. The parties also agree that the FY 2018 conditions will be addressed in separate round of briefing to be scheduled at a later date.

Additionally, pursuant to this Court's rules, the parties jointly request that the page limit for their opening briefs and opposition briefs be extended to 60 pages.

Finally,¹ although Plaintiffs consented to DOJ's request for a slightly extended briefing schedule, they remain interested in obtaining relief as quickly as possible. During the August 2 conference, the Court inquired whether a ruling for Plaintiffs would provide them with expeditious relief, given that Defendants were likely to appeal any unfavorable ruling. It has since come to Plaintiffs' attention that in the *City of Philadelphia* case, the district court granted mandamus relief to Philadelphia by ordering Defendants to issue Philadelphia's FY 2017 award documents without the immigration-related conditions, and to process and approve the City's requests for drawdowns of its funds as it would in the ordinary course, and without regard to the immigration-related conditions or the City's compliance with 8 U.S.C. § 1373. See Final Judgment and Decree, *City of Philadelphia v. Session*, 17-cv-3894 (MMB) (E.D.Pa. June 28, 2018), ECF No. 228. Defendants have not sought a stay of the district court's order, and it is Plaintiffs' understanding that Philadelphia has already received and accepted its award documents without the conditions.

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Respectfully submitted,

/s/ Jessica Attie
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Counsel for Plaintiffs States

¹ As noted above, Defendants do not join this paragraph, and it is submitted only on behalf of the Plaintiffs.